

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
AUGUST 5, 2014

Gorham Municipal Center- Burleigh H. Loveitt Council Chambers

Chairman Phinney opened the meeting with the Pledge of Allegiance to the Flag. There were 25 members of the public present at the start of the meeting.

Roll Call: Present; Chairman Phinney, Councilors; Roullard, Moulton, Phillips, Benner, Hartwell. Town Manager David Cole and Town Clerk Jennifer Elliott.

Absent: Councilor Robinson

Moved by Councilor Roullard, Seconded by Councilor Moulton and VOTED to approve the minutes from the July 1, 2014 Regular Town Council Meeting as printed and distributed. 6 yeas

Moved by Councilor Phillips, Seconded by Councilor Roullard and VOTED to approve the minutes from the July 29, 2014 Special Town Council Meeting as printed and distributed. 6 yeas

Open Public Communications

Joseph Cerney asked the Council to have Barstow Road paved as it is unsafe and he spoke of his concerns over pesticides being sprayed along the railroad bed in the area of Plummer Road.

Bernard Broader asked the Council about the past agenda item regarding handwriting analysis and mentioned that it was being investigated by a police department.

Hans Hansen congratulated Ronald Shepard on his upcoming retirement and his years of professionalism.

John Pappi spoke of his disagreement with the Waste Haulers license and his frustration with others not being licensed.

Councilor Communications

Councilor Hartwell proposed the question of price for spraying chemicals in comparison to other methods, in the management of bush/weeds.

Councilor Benner thanked the Westbrook Gorham Chamber of Commerce for the Founders Festival. She attended the Founding Fathers' reception and had a great time.

Councilor Phillips thanked Police Chief Ronald Shepard for his many years of service. She stated the Founders Festival was successful and it was nice to have the Hamblen family recognized at the Reception.

She reported that there will be a Town wide prayer service for anyone interested on Sunday, August 24 at 4 pm at the White Rock Church, other churches will be participating.

Councilor Roullard clarified an issue that had been reported incorrectly, stating that the Town Council had passed an item on defining moral turpitude, but they had not, they had voted to send it to referendum.

Councilor Phinney stated that he enjoyed the Founders Festival and he congratulated all Spring/Summer sports teams. Councilor Phinney also congratulated the u9 Cal Ripkin baseball team for winning the State championship.

Town Managers Report

David Cole reported that nomination papers for 2 Town Council positions and 3 School Board positions will be available on Friday August 8 and must be returned to the Town Clerk by September 22, 2014 with at least 25, but not more than 100, valid signatures from Gorham registered voters. Mr. Cole acknowledged the employees that were recently given service pins; 15 year pin to Mike Darcangleo, Assessor, 20 year pin to Dana Thompson, Police Department, 25 year pin to Dave Lampron, Public Works, and a 25 year pin to Chris Sanborn, Police Department. The Town Manager also congratulated the Police chief Ronald Shepard for his over 40 years of service to the Town of Gorham.

The Gorham Police and Fire Department , represented by Officer Michael Nault, Lt. Chris Sanborn , Police Chief Ronald Shepard and Fire Chief Robert Lefebvre, presented William Mannette with a lifesaving commendation for providing life saving measures to a woman that was choking on June 1, 2014.

School Committee Report

Chairman Libby reported that 2 student representatives to the School Board have been chosen; Ben Hincer and Muhammad Kahn, they will be attending most of the School Board meetings. Students K, 6 and 9 will be starting school on August 27th, with the rest of the students starting August 28th. There will be active shooter training taking place at the Great Falls School on August 19th, reminder to the public this is just training, and not to be alarmed. The next School Board meeting will take place on September 10, 2014 at 7:00 pm in the Council Chambers.

Old Business

Chairman Phinney opened Public Hearing #1 on a proposal to amend Chapter II, Section V, and Chapter II, Section VI of the Land Use and Development Code to adopt a campground overlay District. There were no comments from the public and the hearing was closed.

Item #8479 Moved by Councilor Moulton, Seconded by Councilor Phillips and VOTED to waive the reading of the order. 6 years

Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED,

Whereas, the Town of Gorham has a campground business that has been in existence for many years, and

Whereas, the long existing campground would not be in compliance with the Town's Land Use and Development Code, and

Whereas, it is in the Town's interest and the Campground owners interest that the Town adopt thoughtful regulations that bring the campground into compliance and also provide reasonable regulations for any future expansion that may occur,

Now Therefore

CHAPTER I, SECTION V

Campground – A parcel of land upon which one or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or

vacation purposes.

Camping Unit – Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established in a campground as temporary living quarters for recreational, education, or vacation purposes.

Recreational Vehicle – A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven that is primarily designed as a temporary living accommodation for recreational, camping and travel use including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. A recreational vehicle shall not be construed as a mobile home for the purposes of this Code.

~~Trailer – Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons. A trailer shall not be construed as a mobile home for the purposes of this Code.~~

~~Trailer Park – An area occupied or designed to be occupied by trailers for seasonal use only from May through October.~~

CHAPTER II, SECTION VI

Campground Overlay District. Establishment. A campground and / or trailer park may only be established or expanded within the Town’s Campground Overlay District. SEASONAL AND RECREATIONAL

A. ~~CAMPGROUNDS AND TRAILER PARKS~~

- 1) Land Area. A campground may not be constructed on less than 5 acres of land.
- 2) Tent Camp Site Area. Each area proposed as a campsite must contain at least 2,500 square feet.
- 3) Fire pit. Fireplace. Each campsite must be provided with a masonry or metal fire pit fireplace as approved by the Fire Chief Director of Public Works.
- ~~4) Site Plan. An applicant for a campground permit must furnish specific information concerning the campground including site plan illustrating the location and design of the proposed sewage disposal and water supply systems, the means of fire fighting, and the type and location of roads proposed within the campground.~~
- 5) 4) State Law. In all other regards, the applicant shall observe the provisions of State Law governing campgrounds.
- 6) 5) License and Permit. The licensing and permit issuance and requirements

shall be the same as the regulations pertaining to mobile home parks licensing in the Mobile Home Park Ordinance.

- ~~7) Establishment. A campground and / or trailer park may only be established or expanded within the Town's Campground Overlay District.~~
- 6) Campgrounds shall be closed from November 1 of one year to April 14 of the following year, During such time, no person shall occupy any campsite and the water and electrical service to all campsites shall be turned off or disconnected.
- 7) There shall be a buffer strip of at least 25 feet in width adjacent to all lot lines and any of the campsites or facilities shall be adequately screened from the view of any abutting residential property.
- 8) All utilities (electrical, water, telephone, and cable) shall be installed underground.

6 years

Item #8482 Moved by Councilor Phillips, Seconded by Councilor Moulton and ORDERED, that the Town Council appropriate \$14,000 from the Rt. 25/114 sidewalk reserve fund for repairs to the sidewalk on the west side of South Street from Green Street to Morrill Avenue and for renovations to the sidewalks at the intersections of South Street and Green Street and South Street and Preble Street to accommodate a cross walk for Green Street across South Street to Preble Street. 6 years

New Business

Chairman Phinney opened Public Hearing #2 on the use of eminent domain to take a public easement for the purpose of use, maintenance, repair and improvement of the existing Town owned sewer pump station located in Heartwood Subdivision. There were no comments from the public and the hearing was closed.

Item #8488 Moved by Councilor Phillips, Seconded by Councilor Moulton and VOTED to waive the reading of the order. 6 years

Moved by Councilor Moulton, Seconded by Councilor Benner and ORDERED,

WHEREAS, the Town owns a sewer pump station located in and serving the Heartwood Subdivision; and

WHEREAS, a recent survey has shown that a portion of the pump station is located outside the Town's right-of-way on land that is owned by the lot owners of the Heartwood Subdivision; and

WHEREAS, the Town and the Portland Water District must have access to the entire building as well as an area outside the building to use, maintain, repair and improve the existing sewer pump station; and

WHEREAS, the pump station is located on land that is owned by all 78 lot owners within the Heartwood Subdivision in proportional shares; and

WHEREAS, the Town has determined that it must take an easement over the property described in Appendix A hereto in order to ensure that it and the Portland Water District will have sufficient access to the sewer pump station;

WHEREAS, after notice to all of the affected property owners and after providing such additional notice as required by law, the Gorham Town Council conducted a public hearing on August 5, 2014 at the Town Council Chambers in the Gorham Town Hall at 7:00 p.m. and then and there, after hearing such persons as chose to speak thereon, the Town Council determined the public exigency requires the Town to take a public easement on the property as more specifically described below for the purpose of the use, maintenance, repair, and improvement the sewer pump station, and

WHEREAS, the area to be taken as a public easement is approximately 3,049 square feet in area and located generally southeast of Caitlin Drive in Gorham, County of Cumberland, State of Maine, meaning and intending to take by eminent domain a public easement for the purpose of the use, maintenance, repair and improvement of the sewer pump station on the land more particularly described in Appendix A;

NOW, THEREFORE, pursuant to 23 M.R.S.A. Section 3023 and 30-A M.R.S.A. Section 3101, it is ordered that there is a public exigency requiring the immediate taking of a public easement over an area of land adjacent to Caitlin Drive, so-called, described in the attached Appendix A for the purpose of the use, maintenance, repair and improvement of the sewer pump station on the land; that the real estate interests in the same held by the individuals named on Appendix B be, and hereby are, taken by eminent domain for the purpose of this easement; and that damages in the total amount of \$1.00 for each owner be awarded as shown on Appendix B;

BE IT FURTHER Ordered that a true copy of this Order along with Appendices A and B be filed with the Town Clerk; that an attested copy of the same be served by a Deputy Sheriff on each of the persons listed as Condemnees on Appendix B, together with their \$1.00 damage award; and that an attested copy of the same, along with the Clerk's return, be filed in the Cumberland County Registry of Deeds.

6 yeas

Item #8489 The Order as read aloud by the Clerk, was Moved by Councilor Moulton, Seconded by Councilor Roullard and ORDERED, that the Town of Gorham, Maine in Town Council assembled, hold a public hearing on Tuesday, September 2, 2014, at 7 pm in the evening, at the 75 South Street offices, to take public comment and the vote whether to call a special municipal election for Tuesday, November 4, 2014, simultaneously with the State general election to be held that same date, to have the voters of Gorham vote on a proposed \$4.99 million capital expenditure to renovate the existing Public Safety Building and construct a new Police Station, both at the 270 Main Street location; and Be It Further Ordered, that the Town Clerk be, and hereby is, ordered and directed to post such notices and place such advertisements, as required by law, and up-date the Town's electronic website to warn

the voters of such public hearing and provide in such notices the date, time and place of the public hearing.

BE IT FURTHER ORDERED that the referendum question to appear on the ballot shall be as follows:

REFERENDUM QUESTION NO. 1

Shall a capital expenditure not to exceed \$4,990,000 be approved to pay for costs of renovation, improvement and equipping of the existing public safety building and construction and equipping of a new police station on property located at 270 Main Street, such amount to be raised by the issuance of general obligations bonds and/or notes of the Town, hereby authorized, with the bonds and notes to have such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as said Municipal Officers shall determine?

(Total estimated debt service of \$6,716,000 of which the maximum principal amount is \$4,990,000 and estimated interest thereon at 3.3% over **20** years is \$1,726,000)

Notes: The Town Council recommends a “Yes” vote.

Financial Statement

The issuing of bonds by the Town of Gorham is one of the ways in which the Town borrows money for certain purposes. The following is a summary of the bonded indebtedness of the Town of Gorham as of the date of this referendum election:

Bonds Now Outstanding and Unpaid:	\$35,020,305
Interest to be repaid on Outstanding Bonds:	\$ 8,653,923
Total to be repaid on Bonds Outstanding:	\$43,674,228
Additional Principal Amount of Bonds Authorized But Not Yet Issued:	\$ 0
Total Additional Bonds To Be Issued If Question 1 Is Approved By Voters:	\$4,990,000
Estimate of Potential New Interest on such Additional Bonds	\$1,726,000
Total Additional Bonds to Be Issued & Estimated Interest If Approved By Voters:	\$6,716,000

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued and the total cost of principal and interest to be paid at maturity. The estimated increase in the tax rate is thirty cents.

/s/ David O. Cole
David O. Cole, Treasurer, Town of Gorham

Prior to the above vote, Any Hyland from Port City Architecture gave a power point presentation of an overview of the project.

Item #8490 Moved by Councilor Benner, Seconded by Councilor Moulton and ORDERED, that the Town of Gorham, Maine in Town Council assembled, hold a public hearing ton Tuesday, September 2, 2014 at 7 pm in the evening, at 75 South Street, to take public comment and vote on whether to call a special municipal election for Tuesday, November 4, 2014, simultaneously with the State General election to be held the same date, to have the voters of Gorham vote on accepting a Federal Grant for up to \$632,690.00 for new breathing apparatus and thermal imaging cameras with matching local funds of up to \$31,634.50 that are already included in the current budget, and
Be It Further Ordered, that the Town Clerk be, and hereby is, ordered and directed to post such notices and place such advertisements, as required by law, and up-date the Town's electronic website to warn the voters of such public hearing and provide in such notices the date, time and place of the public hearing. 6 yeas

Item #8491 Moved by Councilor Roullard, Seconded by Councilor Hartwell and ORDERED that the Town Council refer a request from Cumberland Farms, to amend the Hans Hansen inc. contract zone to allow larger signs on the canopy, to the Planning Board for a public hearing and the Boards' recommendation. 5 yeas, 1 nay (Benner)

Item #8492 Moved by Councilor Moulton, Seconded by Councilor Benner and ORDERED, that the Town Council accept the bid of Portland North Truck Center for \$124,465 to provide a new chassis for Tank 2 in the Fire Department. 6 yeas

Item #8493 Moved by Councilor Benner, Seconded by Councilor Roullard and ORDERED, that the Town Council ask the Ordinance Committee to review the definition of Structure in the Land Use and Development Code to allow patios, except patios located in the Shore land Zone which are regulated by State Law, to be within the setback for the Town Council to consider. 6 yeas

Item #8494 Moved by Councilor Benner, Seconded by Councilor Roullard and ORDERED, that the Town Council increase the membership of the Historic Preservation Committee to 8 members to provide representation to the University of Southern Maine , where one of the Town's Historic Districts is located, and
Be It Further Ordered, that the Town Council appoint Dahlia Lynn to the Historic Preservation Committee as USM's representative. 6 yeas

Item #8495 Moved by Councilor Moulton, Seconded by Councilor Phillips and ORDERED, that the Town Council vote for Jean Marie Katrina and David Cole to serve on the Maine Municipal Associations Legislative policies Committee. 6 yeas

Item #8496 Moved by Councilor Moulton, Seconded by Councilor Phillips and ORDERED, that the Town Council vote for Stephen Bunker for Vice President and for Cynthia Mehnert , Laurie Smith and Patricia Southard for 3 year terms on the Board of Directors for the Maine Municipal Association. 6 yeas

Item #8497 Moved by Councilor Moulton, Seconded by Councilor Phillips and ORDERED, that the Town Council approve an increase in the Non-Resident Library card fee for Baxter Memorial Library from

\$25.00 to \$30.00 per household, as recommended by the Baxter Memorial Library Board of Trustees. 6
yeas

Moved by Councilor Moulton, Seconded by Councilor Phillips and VOTED to ADJOURN. 6 yeas
Time of adjournment 8:35 p.m.

A True Record of Meeting

ATTEST: _____
Jennifer Elliott, Town Clerk